



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Parpax Computer & Software, Inc.

File: B-233072

Date: October 12, 1988

DIGEST

1. A bid on a total small business set-aside, indicating that not all end items to be furnished would be produced by small businesses, is nonresponsive because otherwise the bidder would be free to furnish supplies from a large business and therefore defeat the purpose of the set-aside.
2. The responsiveness of a bid may only be determined from the material which was available to the agency at bid opening.

DECISION

Parpax Computer & Software, Inc., protests the rejection of its low bid as nonresponsive by the Defense Logistics Agency (DLA) under invitation for bids (IFB) No. DLA400-88-B-3397 a total small business set-aside. Parpax claims that its bid was determined to be nonresponsive because of a clerical error and misunderstanding on its part relating to the end items to be furnished under the IFB. Parpax also has asked for the right to correct its mistake in order to render its bid responsive.

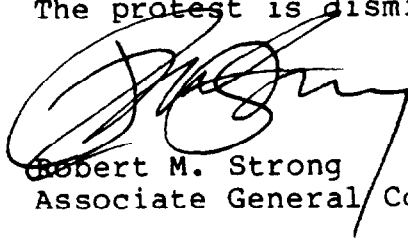
Parpax's bid was rejected as nonresponsive due to the protester's certification in its bid that not all end items to be furnished would be manufactured or produced by a small domestic business concern as required by the provisions of the Federal Acquisition Regulation (FAR) § 52.219-1, contained in the IFB.

Where a bid on a total small business set-aside fails to establish the bidder's legal obligation to furnish end items manufactured or produced by a domestic small business concern, the bid is nonresponsive and must be rejected; otherwise, a small business contractor would be free to provide the end items from either small or large businesses as its own business interest might dictate, thus defeating the purpose of the set-aside program. Rocco Industries,

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Inc., B-227636, July 24, 1987, 87-2 CPD ¶ 87. Parpax has claimed that its bid was nonresponsive because of a clerical error and misunderstanding on its part. Parpax now believes that it should be permitted to correct its mistake so as to render its bid responsive. To ensure the fairness of the sealed bid process, the responsiveness of a bid may only be determined from the material which was available to the agency at bid opening. Thus a nonresponsive bid cannot be corrected to make it responsive. See Rocco Industries, Inc., B-227636, supra.

The protest is dismissed.



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